

PATENT

ATTORNEY DOCKET NO. LEBV.004.01US

## PATENT COOPERATION TREATY/USPTO AS DESIGNATED OFFICE

In re application of: Noteborn and Pietersen )

Priority Application: PCT/NL98/00213 )

Filed: 15 April, 1998 )

Priority Claimed: 15 April, 1997 )  
18 November, 1997 )For: A GENE DELIVERY VEHICLE )  
EXPRESSING THE APOPTOSIS-INDUCING )  
PROTEINS VP2 AND/OR APOPTIN )TRANSMITTAL LETTER

RECEIVED

31 AUG 2000

Legal Staff  
International Division

BOX PCT

ATTN: Legal Department

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- ☒ confirmation copy of Status Request fax filed July 18, 2000, w/attachments
- ☒ confirmation copy of Transmission Report of July 18, 2000.

Also enclosed:

- ☒ Return postcard (postage prepaid).

CERTIFICATE OF EXPRESS MAILING"Express Mail" Label No.: EL63793220USDate of Deposit: 7/19/2000

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C., 20231.

David Vinska

(Signature)

David Vinska

(Printed Name)

Respectfully submitted,

Date: July 19, 2000



Barbara Rae-Venter, Ph.D.  
Reg. No. 32,750

Rae-Venter Law Group, P.C.  
P. O. Box 60039  
Palo Alto, CA 94306  
Telephone: (650) 328-4400  
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BRV/mef

Encls.

PATENT

ATTORNEY DOCKET NO. LEBV.004.01WO

**PATENT COOPERATION TREATY/USPTO AS DESIGNATED OFFICE**

In re application of: Noteborn and Pietersen

Priority Application: PCT/NL98/00213

Filed: 15 April, 1998

Priority Claimed: 15 April, 1997  
18 November, 1997

For: **A GENE DELIVERY VEHICLE  
EXPRESSING THE APOPTOSIS-INDUCING  
PROTEINS VP2 AND/OR APOPTIN**

**FAKED**  
7/18/00 DL

**STATUS REQUEST**

**BOX PCT**

**ATTN: Legal Department**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 CFR §1.14(a)(1)(i)(C), we hereby request status information for the US national stage filing of PCT/NL98/00213, which designates the US. A copy of the front page of the published application is attached. Please send or facsimile transmit as soon as possible the requested status information, particularly including the US application number and filing date for national entry, to the address below.

As shown in the attached letter addressed to Barbara Rae-Venter and Associates on 20 October, 1999 from the European representing counsel, it was understood that the national stage application for PCT/NL98/00213 was filed on 14 October, 1999. In this letter, it is requested that our office continue with the prosecution of this application, rather than Cooper Dunham. On 9 May, 2000, an executed Revocation and Appointment of New Power of Attorney was sent to the USPTO. The USPTO confirmed receipt of the

**CERTIFICATE OF FACSIMILE TRANSMITTAL**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 308-6459

7/18/2000  
(Date)

Signature:

David Ginsburg

Printed Name:

David Ginsburg

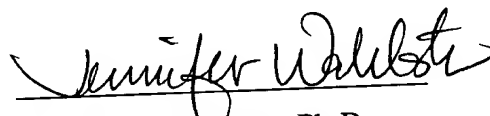
PCT Communication  
Noteborn and Pietersen  
Application No. PCT/NL98/00213

Revocation on 15 May, 2000 as evidenced by the attached copy of the return postcard, however, it likely was not matched with the appropriate application file because it was submitted without the US application serial number. We have been informed by the USPTO that no application with inventors' names of Matheus H. M. Noteborn and Alexandra M. Pietersen was filed on 14 October, 1999. We have been informed by the USPTO that an application with inventors Noteborn and Pietersen, and the title "A Gene Delivery Vehicle Expressing the Apoptosis-Inducing Proteins VP2 and/or Apoptin" was filed after 1 January, 2000.

A rapid response to this request would be greatly appreciated.

Respectfully submitted,

Date: 18 July, 2000

  
Jennifer L. Walsten, Ph.D.  
Reg. No. 46,226

Rae-Venter Law Group, P.C.  
P.O. Box 60039  
Palo Alto, CA 94306  
Telephone: (650) 328-4400  
Facsimile: (650) 328-4477  
BRV/JLW

Enclosures:

1. Copy of front page of PCT application
2. Copy of letter from Vereenigde to Barbara Rae-Venter
3. Copy of executed Revocation and POA submitted 9 May, 2000
4. Copy of postcard confirming receipt of Revocation/POA

PCT

WORLD INTELLECTUAL PROPERTY ORGANIZATION  
International Bureau



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification n 6 :

C12N 15/34, C07K 14/01, C12N 15/86,  
5/10, A61K 48/00, C12Q 1/68

A1

(11) International Publication Number:

WO 98/46760

(43) International Publication Date: 22 October 1998 (22.10.98)

(21) International Application Number: PCT/NL98/00213

(22) International Filing Date: 15 April 1998 (15.04.98)

(30) Priority Data:

97201121.7

15 April 1997 (15.04.97)

EP

(34) Countries for which the regional or  
international application was filed: NL et al.

97203595.0

18 November 1997 (18.11.97)

EP

(34) Countries for which the regional or  
international application was filed: NL et al.

(71) Applicant (for all designated States except US): LEADD B.V.  
[NL/NL]; Wassenaarseweg 72, NL-2333 AL Leiden (NL).

(72) Inventors; and

(75) Inventors/Applicants (for US only): NOTEBORN, Matheus,  
Hubertus, Maria [NL/NL]; Zeeforel 14, NL-2318 MP  
Leiden (NL). PIETERSEN, Alexandra, Maria [NL/NL];  
Haarlemmerstraat 40A, NL-2312 GB Leiden (NL).

(74) Agent: SMULDERS, Th., A., H., J.; Vereenigde Octrooi-  
bureaux, Nieuwe Parklaan 97, NL-2587 BN The Hague (NL).

(81) Designated States: AL, AM, AT, AU, AZ, BA, BB, BG, BR,  
BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE,  
GH, GM, GW, HU, ID, IL, IS, JP, KE, KG, KP, KR, KZ,  
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patent (GH, GM, KE, LS, MW, SD, SZ, UG, ZW), Eurasian  
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IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF,  
CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG).

Published

With international search report.

(54) Title: A GENE DELIVERY VEHICLE EXPRESSING THE APOPTOSIS-INDUCING PROTEINS VP2 AND/OR APOPTIN

(57) Abstract

The invention relates to gene delivery vehicles which comprise nucleic acid molecules encoding apoptosis-inducing proteins VP2 and/or apoptin (VP3) like activity. VP2 and VP3 are viral proteins of the Chicken Anaemia Virus. Also, the invention relates to anti-tumor therapies. Infection of various human tumor cells with the gene delivery vehicles of the invention will result in the induction of apoptosis in tumor cells and much reduced apoptosis, if at all, in normal diploid, non-transformed/non-malignant cells. Also the invention relates to the diagnosis of cancer, and related forms of hyperplasia, metaplasia and dysplasia.

20. OCT. 1999 13:00

VEREENIGDE DEN HAAG

NO. 0995 P. 1

Doc

# VEREENIGDE

OCTROOIBUREAUX

PATENT AND TRADE MARK AGENTS  
EUROPEAN PATENT ATTORNEYS  
EUROPEAN TRADE MARK ATTORNEYS

COPY

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Patents  
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Mr Ir A.W. Prins  
Mr Ir J.H.F. Winckels  
Mr Drs C.J.J. van Loon  
Mr Ir F.A. Dietz  
Drs M.J. Matzmann  
Ir C.M. Jensen  
Ir A.M.K. Ton  
Drs J. Remes  
Ir H.A. Wilmans  
Drs H.A.M. Marsman

Trade Marks and Designs  
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L.P. Kindt  
Mr F.K.B. Carbasius Weber  
Mr N.L. Wolfs  
Mr P.A. van der Wees

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Of counsel  
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Ir J.S.W. van Gennip  
J.A.M.J.H. Vossen

DEN HAAG  
HERTOGENBOSCH

GRONINGEN

ARNHEM  
AMERSFOORT

New file: LENS.004.0145

Den Haag (The Netherlands),  
Nieuwe Parklaan 97

20 October 1999

Your ref.  
Our ref.

P22301US00

DOCKETED

3/19/00 jz

Re.: New patent application  
filed 14 october 1999  
for A gene delivery vehicle expressing ....  
of Leadd B.V.

Dear Sirs,

Please be informed that Messrs. Cooper & Dunham, New York  
has filed the national phase of PCT/NL98/00213 on  
October 14, 1999 in accordance with our instructions of  
24 September 1999.

We have decided that your office will take over the further  
prosecution of the national patent application in your country.

We will inform Cooper & Dunham to send the required documents to  
your office in due course.

Please do not contact the client directly in respect of this  
transfer of responsibility. Please send all correspondence in the  
future to our office.

We trust this information is sufficient for you.

Yours faithfully,

VEREENIGDE OCTROOIBUREAUX

C.C. Cooper & Dunham

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COPY

PATENT

ATTORNEY DOCKET NO. LEBV.004.01US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Matheus H. M. Noteborn *et al.*

) Examiner: Not Yet Assigned

Serial No.: Not Yet Assigned

) Art Unit: Not Yet Assigned

Filed: October 14, 1999

For: A Gene Delivery Vehicle Expressing The  
Apoptosis-Inducing Proteins VP2 And/Of Apoptin

) **REVOCATION AND**  
) **APPOINTMENT OF NEW POWER**  
) **OF ATTORNEY**  
)

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

The undersigned, an authorized representative of Leadd, B.V., having its principal place of business at Wassenaarseweg 72, Leiden, 2300 RA Leiden, The Netherlands, being assignee of 100% interest of this application, the Assignment being not yet recorded, hereby revokes all powers of attorney previously granted in this application and hereby appoints

Barbara Rae-Venter  
Bertram I. Rowland  
Jennifer Wahlsten

Reg. No. 32,750  
Reg. No. 20,015  
Reg. No. P-46,226

as attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and hereby request that all correspondence regarding this application be sent to the firm of:

**CERTIFICATE OF FIRST-CLASS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on 5/9/00.

(Date)

(Signature)

JACOB ZUBER  
(Printed Name)

Rae-Venter Law Group, P.C.  
P. O. Box 60039  
Palo Alto, CA 94306

Telephone No.: 650-328-4400  
Facsimile No.: 650-328-4477

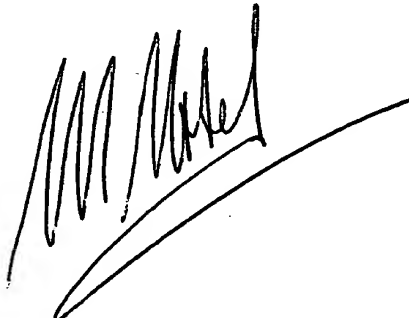
The undersigned has reviewed the chain of title and to the best of the undersigned's knowledge,  
title is in the assignee identified above.

Date: March 28, 2000

By: Dr. Mathieu HM Notelborn  
Title: Scientific Director

Rae-Venter Law Group, P.C.  
P. O. Box 60039  
Palo Alto, CA 94306  
Telephone No. 650-328-4400  
Facsimile No. 650-328-4477

BRV/jsz

A handwritten signature in dark ink, appearing to read 'Mathieu HM Notelborn', with a long horizontal flourish extending to the right.



The following has been received in the U.S. Patent Office on the date stamped hereon:

☐ Patent Application, \_\_\_ pps.  
specification, \_\_\_ pps claims,  
\_\_\_ pps abstract

☐ Drawings: \_\_\_ sheets of  
informal/formal

☐ Rule 60 Application

☐ Rule 62 Application (FWC)

☐ Response/Amendment

☒ Issue Fee Transmittal (FE)

☐ Notice of Appeal

☐ Appeal Brief(3 copies) \_\_\_ pages

☐ PTO Box #

☐ Express Mail Label

☒ Other Return Postcard

☒ Executed/~~unexecuted~~ Declaration/POA

☐ Assignment

☐ Verified Small Entity Statement

☐ Rule 132 Declaration

☐ 312 Amendment after Allowance

☐ Notice to File Missing Parts of App.

☐ Information Disclosure Statement

☐ Petition for Extension of Time

☐ Certificate of Correction

☐ IDS Transmittal, IDS Statement

☐ PTO-1449 [No. of References \_\_\_]

☐ Status Inquiry

☐ Check No. \_\_\_ in amount of \$ \_\_\_

Serial No.: NA

Attorney/Secretary: GW/jv

Attorney Docket No.: 6884, 809, 8104

Mailing Date: 5/9/00

JW  
JB

# Transmission Report

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RAE-VENTER LAW GROUP

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## Facsimile Cover Page

DATE: July 18, 2000 PAGES (INCLUDING THIS PAGE): 8

To: BOX PCT  
ATTN: Legal Department  
Assistant Commissioner for Patents  
Washington, D.C., 20231

FAX: (703) 308-6459

FROM: Jennifer L. Wahlsten  
Rae-Venter Law Group, P.C.  
P.O. Box 60039  
Palo Alto, CA 94306  
USA

Facsimile sent by: David Winslow

RE: Attorney Docket No. LEBV.004.01US

Attached please find a Status Request with attachments.

IF YOU DO NOT RECEIVE LEGIBLE COPIES OF ALL PAGES, PLEASE CALL:  
(650) 328-4400

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DR: Document Removed  
FO: Forced Output

MB: Receive to Mailbox  
PI: Power Interruption  
TM: Terminated by user  
WT: Waiting Transfer